

REMARKS

I. Introduction

Claims 16 and 19 to 31 are pending in the present application. Claim 16 has been amended, and new dependent claims 26 to 31 have been added. No new matter has been added. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 16, 19 and 20 under 35 U.S.C. § 103(a)

Claims 16, 19 and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Makimura (U.S. Patent No. 5,062,573), Pontoppidan (U.S. Patent No. 6,267,307) and Golev et al. (U.S. Patent No. 5,033,679). It is respectfully submitted that the combination of Makimura, Pontoppidan and Golev et al. does not render unpatentable the present claims for at least the following reasons.

As an initial matter, U.S. Patent No. 6,267,307 does not constitute prior art against the present application. In this regard, U.S. Patent No. 6,267,307 issued on July 31, 2001 and is stated on its face to have a § 102(e) date of June 8, 2000. The present application is the national stage of PCT/DE00/02043, having an international filing date of June 30, 2000, claims priority to German Application No. 199 30 637.0, filed on July 2, 1999, and claims priority to German Application No. 199 51 014.8, filed on October 22, 1999. A claim of priority was made, *inter alia*, in the Declaration and Power of Attorney, and the Office has acknowledged receipt of the certified copies of the priority documents. Certified English-language translations of the priority documents are submitted herewith. As such, U.S. Patent No. 6,267,307 does not constitute prior art against the present application. Withdrawal of this rejection is therefore respectfully requested.

Notwithstanding the foregoing, it is respectfully submitted that the present rejection should be withdrawn for the following additional reasons.

Amended claim 16 recites a fuel injector including, *inter alia*, a downstream valve end including an outlet component and a fuel outlet, in which **the outlet component including the at least one discharge orifice is configured to be flat, disk-shaped**, and in which **the discharge orifice ends in an outlet area configured as a convexly-arched spray-discharge region that extends beyond the outlet component in a downstream direction**. Support for these amendments may be found in the Substitute Specification, *e.g.*, at lines 4 to 24 on page 9, and in Figure 5.

In contrast to the above-recited features of amended claim 16, absolutely nothing in Makimura, Pontoppidan, or Golev et al. discloses, or even suggests, the features of **the outlet component including the at least one discharge orifice is configured to be flat, disk-shaped**, and the discharge orifice ends in an outlet area configured as **a convexly-arched spray-discharge region that extends beyond the outlet component in a downstream direction**. Nowhere does Makimura disclose, or even suggest, these individual features, as recited in presently amended claim 16. Makimura merely indicates a nozzle (21), a valve housing (3), a movable valve (5), and a stopper (2). Thus, Makimura fails to disclose, or even suggest, all the above-recited features of claim 16. In addition, Pontoppidan merely indicates a throttle (9) and end bead (6) of an injector tip (5), and thus, Pontoppidan clearly fails to disclose, or even suggest, anything regarding the above-recited features of claim 16. Still further, Golev et al. merely indicates a housing (1) and a needle (5) with a throttling element (7), and thus, Golev et al. also clearly fails to disclose, or even suggest, anything regarding the above-recited features of claim 16.

For at least the foregoing reasons, claim 16 and its dependent claims 19 and 20 are not rendered unpatentable by the combination of Makimura, Pontoppidan, and Golev et al.

Withdrawal of this rejection is therefore respectfully requested.

III. Rejection of Claims 21 to 25 under 35 U.S.C. § 103(a)

Claims 21 to 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Makimura, Pontoppidan, Golev et al., and Fedorovich et al. (Soviet Union Published Patent Application No. 775364B). Applicants respectfully submit that claims 21 to 25 are patentable over the combination of Makimura, Pontoppidan, Golev et al., and Fedorovich et al. for at least the following reasons.

Claims 21 to 25 ultimately depend on claim 16. In addition, Fedorovich et al. merely relates to coating, and Fedorovich et al. clearly does not cure the deficiencies of the combination of Makimura, Pontoppidan, and Golev et al. as applied against claim 16. Accordingly, it is respectfully submitted that dependent claims 21 to 25 are patentable over the combination of Makimura, Pontoppidan, Golev et al., and Fedorovich et al.

IV. New Claims 26 to 31

New claims 26 to 31 have been added. It is respectfully submitted that claims 26 to 31 add no new matter and are fully supported by the present application. Support for

these new claims may be found, for example, in Figures 2 and 5. Further, a swirl element is described in the Substitute Specification, *e.g.*, beginning from line 28 on page 5, to line 8 on page 6, and a guide element is described in the Specification, *e.g.*, at lines 1 to 6 on page 5, and also at lines 28 to 35 on page 5.

Since claims 26 to 31 ultimately depend from claim 16, it is respectfully submitted that claims 26 to 31 are patentable over the references relied upon for at least the reasons more fully set forth above.

V. Conclusion

It is therefore respectfully submitted that all of the presently pending claims 16 and 19-31 are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

KENYON & KENYON LLP

Dated:

Jan. 10, 2008

By:



Gerard A. Messina
Reg. No. 35,952

12
42,197

One Broadway
New York, New York 10004
(212) 425-7200

CUSTOMER NO. 26646